IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8514 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SWASHRAYA

Versus

STATE OF GUJARAT

Appearance:

MR KK SHAH for Petitioners

GOVERNMENT PLEADER for Respondent No. 1

MR PRANAV G DESAI for Respondent No. 3

MR DA BAMBHANIA for Respondent No. 4

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 21/04/2001

ORAL JUDGEMENT

The petitioner Nos.1,2 and 3 are the voluntary

organizations working with the city of Baroda and petitioner Nos.4 and 5 are association of the slum dwellers residing in Ambedkarnagar and Pratapnagar locality of Baroda respectively.

2. In pursuance of the finalization of town planning scheme, the land on which the hutments (42 in Ambedkarnagar and 140 in Pratapnagar) are situated came to be vested in the Government. Accordingly notice under Section 61 of Bombay Land Revenue Code dated 5th December, 1988 (Annexure 'H') came to be issued. It is this notice which is under challenge in the present petition.

3. In view of the recent decision of this Court in the case of PEOPLES UNION FOR CIVIL LIBERTIES & ANR. V/S. STATE OF GUJARAT & ORS., 2001 (1) GLR 547, it is not necessary for us to deal with either the facts or contentions in detail as it is common ground between both the sides that the issued raised in the present petition is concluded by the ratio of the aforesaid decision.

4. In view of these circumstances this petition is accordingly rejected subject to the directions to the respondents to take into consideration the representation that the petitioners may make to them seeking alternative site for accommodation. The petitioners are directed to make a representation within a period of eight weeks from the date of this order and the respondent authorities shall decide upon the representation bearing in mind the directions issued by this Court in the aforesaid decision in case of PEOPLES UNION FOR CIVIL LIBERTIES & ANR. V/S. STATE OF GUJARAT & ORS. (supra) within period of eight weeks from the date of receipt of the representation.

5. In view of the fact that when Rule was issued on 26/12/1988, the petitioners were protected by order granting interim relief, it is hereby directed that the said order of interim relief shall continue till the representation made by the petitioners is decided by the respondent authorities. Rule discharged with no order as to costs.

(D.A. Mehta, J)

'Bhavesh'